



General Assembly

February Session, 2002

Amendment

LCO No. 4607

HB0568004607HR0

Offered by:

REP. CAFERO, 142nd Dist.
REP. O'ROURKE, 32nd Dist.
REP. HAMZY, 78th Dist.
REP. LAWLOR, 99th Dist.

REP. FARR, 19th Dist.
REP. FLAHERTY, 68th Dist.
REP. WARD, 86th Dist.

To: Subst. House Bill No. 5680

File No. 455

Cal. No. 301

"AN ACT CONCERNING SEXUAL ASSAULT OF A MINOR."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 54-193a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage and*
5 *applicable to any offense committed on or after said date*):

6 Notwithstanding the provisions of section 54-193, no person may be
7 prosecuted for any offense, except a class A felony, involving sexual
8 abuse, sexual exploitation or sexual assault of a minor except within
9 [two] thirty years from the date the victim attains the age of majority
10 or within five years from the date the victim notifies any police officer
11 or state's attorney acting in [his] such police officer's or state's
12 attorney's official capacity of the commission of the offense, whichever
13 is earlier, provided [in no event shall such period of time be less than

14 five years after the commission of the offense] if the prosecution is for
15 a violation of subdivision (1) of subsection (a) of section 53a-71, as
16 amended by this act, the victim notified such police officer or state's
17 attorney not later than five years after the commission of the offense.

18 Sec. 2. Section 52-577d of the general statutes is repealed and the
19 following is substituted in lieu thereof (*Effective from passage and*
20 *applicable to any cause of action arising from an incident committed prior to,*
21 *on or after said date*):

22 Notwithstanding the provisions of section 52-577, no action to
23 recover damages for personal injury to a minor, including emotional
24 distress, caused by sexual abuse, sexual exploitation or sexual assault
25 may be brought by such person later than [seventeen] thirty years
26 from the date such person attains the age of majority.

27 Sec. 3. (NEW) (*Effective from passage and applicable to any cause of*
28 *action arising from an incident committed prior to, on or after said date*)
29 Notwithstanding the provisions of sections 52-577 and 52-577d of the
30 general statutes, as amended by this act, an action to recover damages
31 for personal injury caused by sexual assault may be brought at any
32 time after the date of the act complained of if the party legally at fault
33 for such injury has been convicted of a violation of section 53a-70 or
34 53a-70a of the general statutes.

35 Sec. 4. Section 53-21 of the general statutes is repealed and the
36 following is substituted in lieu thereof (*Effective October 1, 2002*):

37 (a) Any person who (1) wilfully or unlawfully causes or permits any
38 child under the age of sixteen years to be placed in such a situation
39 that the life or limb of such child is endangered, the health of such
40 child is likely to be injured or the morals of such child are likely to be
41 impaired, or does any act likely to impair the health or morals of any
42 such child, or (2) has contact with the intimate parts, as defined in
43 section 53a-65, of a child under the age of sixteen years or subjects a
44 child under sixteen years of age to contact with the intimate parts of
45 such person, in a sexual and indecent manner likely to impair the

46 health or morals of such child, or (3) permanently transfers the legal or
47 physical custody of a child under the age of sixteen years to another
48 person for money or other valuable consideration or acquires or
49 receives the legal or physical custody of a child under the age of
50 sixteen years from another person upon payment of money or other
51 valuable consideration to such other person or a third person, except in
52 connection with an adoption proceeding that complies with the
53 provisions of chapter 803, shall be guilty of a class C felony for a
54 violation of subdivision (1) or (3) of this subsection and a class B felony
55 for a violation of subdivision (2) of this subsection.

56 (b) The act of a parent or agent leaving an infant thirty days or
57 younger with a designated employee pursuant to section 17a-58 shall
58 not constitute a violation of this section.

59 Sec. 5. Section 53a-70 of the general statutes is repealed and the
60 following is substituted in lieu thereof (*Effective October 1, 2002*):

61 (a) A person is guilty of sexual assault in the first degree when such
62 person (1) compels another person to engage in sexual intercourse by
63 the use of force against such other person or a third person, or by the
64 threat of use of force against such other person or against a third
65 person which reasonably causes such person to fear physical injury to
66 such person or a third person, or (2) engages in sexual intercourse with
67 another person and such other person is under thirteen years of age
68 and the actor is more than two years older than such person, or (3)
69 commits sexual assault in the second degree as provided in section
70 53a-71, as amended by this act, and in the commission of such offense
71 is aided by two or more other persons actually present, or (4) engages
72 in sexual intercourse with another person and such other person is
73 mentally incapacitated to the extent that such other person is unable to
74 consent to such sexual intercourse.

75 (b) Sexual assault in the first degree is (1) a class B felony [for] and
76 any person found guilty under this section shall be sentenced to a term
77 of imprisonment of which two years of the sentence imposed may not

78 be suspended or reduced by the court or, if the victim of the offense is
79 under ten years of age, [for] of which ten years of the sentence
80 imposed may not be suspended or reduced by the court, or (2) a class
81 A felony if the offense is a violation of subdivision (1) of subsection (a)
82 of this section and the victim of the offense is under sixteen years of
83 age or the offense is a violation of subdivision (2) of subsection (a) of
84 this section, and any person found guilty under said subdivision (1) or
85 (2) shall be sentenced to a term of imprisonment of which five years of
86 the sentence imposed may not be suspended or reduced by the court if
87 the victim is ten years of age or older and under sixteen years of age or
88 of which ten years of the sentence imposed may not be suspended or
89 reduced by the court if the victim is under ten years of age; and any
90 person found guilty under this section shall be sentenced to a term of
91 imprisonment and a period of special parole pursuant to subsection (b)
92 of section 53a-28 which together constitute a sentence of at least ten
93 years.

94 Sec. 6. Section 53a-70a of the general statutes is repealed and the
95 following is substituted in lieu thereof (*Effective October 1, 2002*):

96 (a) A person is guilty of aggravated sexual assault in the first degree
97 when such person commits sexual assault in the first degree as
98 provided in section 53a-70, as amended by this act, and in the
99 commission of such offense (1) such person uses or is armed with and
100 threatens the use of or displays or represents by such person's words
101 or conduct that such person possesses a deadly weapon, (2) with intent
102 to disfigure the victim seriously and permanently, or to destroy,
103 amputate or disable permanently a member or organ of the victim's
104 body, such person causes such injury to such victim, (3) under
105 circumstances evincing an extreme indifference to human life such
106 person recklessly engages in conduct which creates a risk of death to
107 the victim, and thereby causes serious physical injury to such victim,
108 or (4) such person is aided by two or more other persons actually
109 present. No person shall be convicted of sexual assault in the first
110 degree and aggravated sexual assault in the first degree upon the same
111 transaction but such person may be charged and prosecuted for both

112 such offenses upon the same information.

113 (b) Aggravated sexual assault in the first degree is a class B felony
114 or, if the victim of the offense is under sixteen years of age, a class A
115 felony, and any person found guilty under this section shall be
116 sentenced to a term of imprisonment of which five years of the
117 sentence imposed may not be suspended or reduced by the court,
118 except that, if such person committed sexual assault in the first degree
119 by violating subdivision (1) of subsection (a) of section 53a-70, as
120 amended by this act, and the victim of the offense is under sixteen
121 years of age, twenty years of the sentence imposed may not be
122 suspended or reduced by the court, and any person found guilty
123 under this section shall be sentenced to a period of special parole
124 pursuant to subsection (b) of section 53a-28 which together with the
125 term of imprisonment constitute a sentence of twenty years.

126 Sec. 7. Section 53a-71 of the general statutes is repealed and the
127 following is substituted in lieu thereof (*Effective October 1, 2002*):

128 (a) A person is guilty of sexual assault in the second degree when
129 such person engages in sexual intercourse with another person and: (1)
130 Such other person is thirteen years of age or older but under sixteen
131 years of age and the actor is more than two years older than such
132 person; or (2) such other person is mentally defective to the extent that
133 such other person is unable to consent to such sexual intercourse; or (3)
134 such other person is physically helpless; or (4) such other person is less
135 than eighteen years old and the actor is such person's guardian or
136 otherwise responsible for the general supervision of such person's
137 welfare; or (5) such other person is in custody of law or detained in a
138 hospital or other institution and the actor has supervisory or
139 disciplinary authority over such other person; or (6) the actor is a
140 psychotherapist and such other person is (A) a patient of the actor and
141 the sexual intercourse occurs during the psychotherapy session, (B) a
142 patient or former patient of the actor and such patient or former
143 patient is emotionally dependent upon the actor, or (C) a patient or
144 former patient of the actor and the sexual intercourse occurs by means

145 of therapeutic deception; or (7) the actor accomplishes the sexual
146 intercourse by means of false representation that the sexual intercourse
147 is for a bona fide medical purpose by a health care professional; or (8)
148 the actor is a school employee and such other person is a student
149 enrolled in a school in which the actor works or a school under the
150 jurisdiction of the local or regional board of education which employs
151 the actor.

152 (b) Sexual assault in the second degree is a class C felony [for] or, if
153 the victim of the offense is under sixteen years of age, a class B felony,
154 and any person found guilty under this section shall be sentenced to a
155 term of imprisonment of which nine months of the sentence imposed
156 may not be suspended or reduced by the court.

157 Sec. 8. Section 53a-72a of the general statutes is repealed and the
158 following is substituted in lieu thereof (*Effective October 1, 2002*):

159 (a) A person is guilty of sexual assault in the third degree when
160 such person (1) compels another person to submit to sexual contact (A)
161 by the use of force against such other person or a third person, or (B)
162 by the threat of use of force against such other person or against a third
163 person, which reasonably causes such other person to fear physical
164 injury to himself or herself or a third person, or (2) engages in sexual
165 intercourse with another person whom the actor knows to be related to
166 him or her within any of the degrees of kindred specified in section
167 46b-21.

168 (b) Sexual assault in the third degree is a class D felony or, if the
169 victim of the offense is under sixteen years of age, a class C felony.

170 Sec. 9. Section 53a-72b of the general statutes is repealed and the
171 following is substituted in lieu thereof (*Effective October 1, 2002*):

172 (a) A person is guilty of sexual assault in the third degree with a
173 firearm when such person commits sexual assault in the third degree
174 as provided in section 53a-72a, as amended by this act, and in the
175 commission of such offense, such person uses or is armed with and

176 threatens the use of or displays or represents by such person's words
177 or conduct that such person possesses a pistol, revolver, machine gun,
178 rifle, shotgun or other firearm. No person shall be convicted of sexual
179 assault in the third degree and sexual assault in the third degree with a
180 firearm upon the same transaction but such person may be charged
181 and prosecuted for both such offenses upon the same information.

182 (b) Sexual assault in the third degree with a firearm is a class C
183 felony [for] or, if the victim of the offense is under sixteen years of age,
184 a class B felony, and any person found guilty under this section shall
185 be sentenced to a term of imprisonment of which two years of the
186 sentence imposed may not be suspended or reduced by the court [and
187 any person found guilty under this section shall be sentenced to a term
188 of imprisonment] and a period of special parole pursuant to subsection
189 (b) of section 53a-28 which together constitute a sentence of ten years.

190 Sec. 10. Section 53a-73a of the general statutes is repealed and the
191 following is substituted in lieu thereof (*Effective October 1, 2002*):

192 (a) A person is guilty of sexual assault in the fourth degree when: (1)
193 Such person intentionally subjects another person to sexual contact
194 who is (A) under fifteen years of age, or (B) mentally defective or
195 mentally incapacitated to the extent that [he] such other person is
196 unable to consent to such sexual contact, or (C) physically helpless, or
197 (D) less than eighteen years old and the actor is such other person's
198 guardian or otherwise responsible for the general supervision of such
199 other person's welfare, or (E) in custody of law or detained in a
200 hospital or other institution and the actor has supervisory or
201 disciplinary authority over such other person; or (2) such person
202 subjects another person to sexual contact without such other person's
203 consent; or (3) such person engages in sexual contact with an animal or
204 dead body; or (4) such person is a psychotherapist and subjects
205 another person to sexual contact who is (A) a patient of the actor and
206 the sexual contact occurs during the psychotherapy session, or (B) a
207 patient or former patient of the actor and such patient or former
208 patient is emotionally dependent upon the actor, or (C) a patient or

209 former patient of the actor and the sexual contact occurs by means of
210 therapeutic deception; or (5) such person subjects another person to
211 sexual contact and accomplishes the sexual contact by means of false
212 representation that the sexual contact is for a bona fide medical
213 purpose by a health care professional; or (6) such person is a school
214 employee and subjects another person to sexual contact who is a
215 student enrolled in a school in which the actor works or a school under
216 the jurisdiction of the local or regional board of education which
217 employs the actor.

218 (b) Sexual assault in the fourth degree is a class A misdemeanor or,
219 if the victim of the offense is under sixteen years of age, a class D
220 felony.

221 Sec. 11. Section 17a-93 of the general statutes is amended by adding
222 subsection (o) as follows (*Effective October 1, 2002*):

223 (NEW) (o) "Person entrusted with the care of a child or youth"
224 means a person given access to a child or youth by a person
225 responsible for the health, welfare or care of a child or youth for the
226 purpose of providing education, child care, counseling, spiritual
227 guidance, coaching, training, instruction, tutoring or mentoring of such
228 child or youth.

229 Sec. 12. Section 17a-101 of the general statutes is repealed and the
230 following is substituted in lieu thereof (*Effective October 1, 2002*):

231 (a) The public policy of this state is: To protect children whose
232 health and welfare may be adversely affected through injury and
233 neglect; to strengthen the family and to make the home safe for
234 children by enhancing the parental capacity for good child care; to
235 provide a temporary or permanent nurturing and safe environment for
236 children when necessary; and for these purposes to require the
237 reporting of suspected child abuse, investigation of such reports by a
238 social agency, and provision of services, where needed, to such child
239 and family.

240 (b) The following persons shall be mandated reporters: Any
241 physician or surgeon licensed under the provisions of chapter 370, any
242 resident physician or intern in any hospital in this state, whether or not
243 so licensed, any registered nurse, licensed practical nurse, medical
244 examiner, dentist, dental hygienist, psychologist, school teacher, school
245 principal, school guidance counselor, school paraprofessional, school
246 coach, social worker, police officer, [clergyman] juvenile or adult
247 probation officer, juvenile or adult parole officer, member of the clergy,
248 pharmacist, physical therapist, optometrist, chiropractor, podiatrist,
249 mental health professional or physician assistant, any person who is a
250 licensed or certified emergency medical services provider, any person
251 who is a licensed [substance abuse] or certified alcohol and drug
252 counselor, any person who is a licensed marital and family therapist,
253 any person who is a sexual assault counselor or a battered women's
254 counselor as defined in section 52-146k, any person who is a licensed
255 professional counselor, any person paid to care for a child in any
256 public or private facility, child day care center, group day care home or
257 family day care home licensed by the state, any employee of the
258 Department of Children and Families, any employee of the
259 Department of Public Health who is responsible for the licensing of
260 child day care centers, group day care homes, family day care homes
261 or youth camps, the Child Advocate and any employee of the Office of
262 Child Advocate.

263 (c) The Commissioner of Children and Families shall develop an
264 educational training program for the accurate and prompt
265 identification and reporting of child abuse and neglect. Such training
266 program shall be made available to all persons mandated to report
267 child abuse and neglect at various times and locations throughout the
268 state as determined by the Commissioner of Children and Families.

269 (d) Any mandated reporter, as defined in subsection (b) of this
270 section, who fails to report to the Commissioner of Children and
271 Families pursuant to section 17a-101a, as amended by this act, shall be
272 required to participate in an educational and training program
273 established by the commissioner. The program may be provided by

274 one or more private organizations approved by the commissioner,
275 provided the entire costs of the program shall be paid from fees
276 charged to the participants, the amount of which shall be subject to the
277 approval of the commissioner.

278 Sec. 13. Section 17a-101a of the general statutes is repealed and the
279 following is substituted in lieu thereof (*Effective October 1, 2002*):

280 Any mandated reporter, as defined in section 17a-101, as amended
281 by this act, who in [his professional capacity] the ordinary course of
282 such person's employment or profession has reasonable cause to
283 suspect or believe that any child under the age of eighteen years (1) has
284 been abused or neglected, as defined in section 46b-120, [or] (2) has
285 had nonaccidental physical injury, or injury which is at variance with
286 the history given of such injury, inflicted upon [him by a person
287 responsible for such child's health, welfare or care or by a person given
288 access to such child by such responsible person] such child, or (3) is
289 placed at imminent risk of serious harm, [by an act or failure to act on
290 the part of such responsible person, or has been neglected, as defined
291 in section 46b-120,] shall report or cause a report to be made in
292 accordance with the provisions of sections 17a-101b to 17a-101d,
293 inclusive, as amended by this act. Any person required to report under
294 the provisions of this section who fails to make such report shall be
295 fined not more than five hundred dollars and shall be required to
296 participate in an educational and training program pursuant to
297 subsection (d) of section 17a-101, as amended by this act.

298 Sec. 14. Section 17a-101b of the general statutes is repealed and the
299 following is substituted in lieu thereof (*Effective October 1, 2002*):

300 (a) An oral report shall be made by a mandated reporter [within
301 twenty-four hours of having] as soon as practicable but not later than
302 twelve hours after the mandated reporter has reasonable cause to
303 suspect or believe that a child has been abused or neglected or placed
304 in imminent risk of serious harm, by telephone or in person to the
305 Commissioner of Children and Families or a law enforcement agency.

306 If a law enforcement agency receives an oral report, it shall
307 immediately notify the Commissioner of Children and Families.

308 (b) If the commissioner or [his representative] the commissioner's
309 designee suspects or knows that such person has knowingly made a
310 false report, the identity of such person shall be disclosed to the
311 appropriate law enforcement agency and to the perpetrator of the
312 alleged abuse.

313 (c) If the Commissioner of Children and Families, or [his] the
314 commissioner's designee, receives a report alleging sexual abuse or
315 serious physical abuse, including, but not limited to, a report that: (1)
316 A child has died; (2) a child has been sexually assaulted; (3) a child has
317 suffered brain damage [,] or loss or serious impairment of a bodily
318 function or organ; (4) a child has been sexually exploited; or (5) a child
319 has suffered serious nonaccidental physical injury, [he] the
320 commissioner shall, within [twenty-four] twelve hours of receipt of
321 such report, notify the appropriate law enforcement agency.

322 (d) [When] Whenever a mandated reporter, as defined in section
323 17a-101, as amended by this act, has reasonable cause to suspect or
324 believe that any child has been abused or neglected by a member of the
325 staff of a public or private institution or facility that provides care for
326 such child or a public or private school, [he] the mandated reporter
327 shall report as required in subsection (a) of this section. [and shall also]
328 The Commissioner of Children and Families or the commissioner's
329 designee shall notify the person in charge of such institution, facility or
330 school [or facility] or the person's designee, unless such person is the
331 alleged perpetrator of the abuse or neglect of such child. Such person
332 in charge, or [his] such person's designee, shall then immediately
333 notify the child's parent or other person responsible for the child's care
334 that a report has been made.

335 Sec. 15. Subsection (a) of section 17a-101g of the general statutes is
336 repealed and the following is substituted in lieu thereof (*Effective*
337 *October 1, 2002*):

338 (a) Upon receiving a report of child abuse or neglect, as provided in
339 sections 17a-101a to 17a-101c, inclusive, as amended by this act, or
340 section 17a-103, in which the alleged perpetrator is (1) a person
341 responsible for such child's health, welfare or care, (2) a person given
342 access to such child by such responsible person, or (3) a person
343 entrusted with the care of a child, the Commissioner of Children and
344 Families, or [his] the commissioner's designee, shall cause the report to
345 be classified and evaluated immediately. If the report contains
346 sufficient information to warrant an investigation, the commissioner
347 shall make [his] the commissioner's best efforts to commence an
348 investigation of a report concerning an imminent risk of physical harm
349 to a child or other emergency within two hours of receipt of the report
350 and shall commence an investigation of all other reports within
351 seventy-two hours of receipt of the report. The department shall
352 complete any such investigation within thirty calendar days of receipt
353 of the report. If the report is a report of child abuse or neglect in which
354 the alleged perpetrator is not a person specified in subdivision (1), (2)
355 or (3) of this subsection, the Commissioner of Children and Families
356 shall refer the report to the appropriate local law enforcement
357 authority for the town in which the child resides or in which the
358 alleged abuse or neglect occurred.

359 Sec. 16. Section 17a-101j of the general statutes is repealed and the
360 following is substituted in lieu thereof (*Effective October 1, 2002*):

361 (a) After the investigation has been completed and the
362 Commissioner of Children and Families has reasonable cause to
363 believe that sexual abuse or serious physical abuse of a child has
364 occurred, the commissioner shall notify the appropriate local law
365 enforcement authority and the Chief State's Attorney or [his] the Chief
366 State's Attorney's designee or [a] the state's attorney for the judicial
367 district in which the child resides or in which the abuse or neglect
368 occurred [and to the appropriate local law enforcement authority] of
369 such belief and shall provide a copy of the report required in sections
370 17a-101a to 17a-101c, inclusive, as amended by this act, and 17a-103.

371 (b) Whenever a report has been made pursuant to sections 17a-101a
372 to 17a-101c, inclusive, as amended by this act, and 17a-103, alleging
373 that abuse or neglect has occurred at an institution or facility that
374 provides care for children [which] and is subject to licensure by the
375 state for the caring of children, and the Commissioner of Children and
376 Families, after investigation, has reasonable cause to believe abuse or
377 neglect has occurred, the commissioner shall forthwith notify the state
378 agency responsible for such licensure of such institution or facility and
379 provide records, whether or not created by the department, concerning
380 such investigation.

381 (c) If, after the investigation is completed, the commissioner
382 determines that [the person] a parent or guardian inflicting abuse or
383 neglecting a child is in need of treatment for substance abuse, the
384 commissioner shall refer such person to appropriate treatment
385 services.

386 Sec. 17. Section 17a-103a of the general statutes is repealed and the
387 following is substituted in lieu thereof (*Effective October 1, 2002*):

388 The Commissioner of Children and Families shall provide a
389 telephone hotline for child abuse that shall be dedicated to receive
390 reports of child abuse. Such hotline shall accept all reports of abuse or
391 neglect regardless of the relationship of the alleged perpetrator to the
392 child who is the alleged victim and regardless of the alleged
393 perpetrator's affiliation with any organization or other entity in any
394 capacity. The commissioner shall classify and evaluate all reports
395 pursuant to the provisions of section 17a-101g, as amended by this act.

396 Sec. 18. Section 17a-105a of the general statutes is repealed and the
397 following is substituted in lieu thereof (*Effective October 1, 2002*):

398 There shall be within the Division of State Police within the
399 Department of Public Safety a child abuse and neglect unit which,
400 within available resources, shall (1) at the request of the Commissioner
401 of Children and Families or the head of the local law enforcement
402 agency, or [his] such person's designee, assist [such team] a

403 multidisciplinary team established pursuant to section 17a-106a in the
404 investigation of a report of child abuse or neglect, (2) investigate
405 reports of crime involving child abuse or neglect in municipalities in
406 which there is no organized police force, and (3) participate in a
407 mutual support network that shares information and collaborates with
408 local law enforcement agencies.

409 Sec. 19. Section 52-146b of the general statutes is repealed and the
410 following is substituted in lieu thereof (*Effective July 1, 2002*):

411 [A clergyman, priest, minister, rabbi or practitioner of any religious
412 denomination accredited by the religious body to which he belongs
413 who is settled in the work of the ministry shall not disclose
414 confidential communications made to him in his professional capacity
415 in any civil or criminal case or proceedings preliminary thereto, or in
416 any legislative or administrative proceeding, unless the person making
417 the confidential communication waives such privilege herein
418 provided.]

419 (a) As used in this section:

420 (1) "Person" means an individual who consults with a member of
421 the clergy for purposes of individual, family or spiritual counseling.

422 (2) "Member of the clergy" means a clergyman, priest, minister,
423 rabbi or practitioner of any religious denomination accredited by the
424 religious body to which such practitioner belongs who is settled in the
425 work of the ministry.

426 (3) "Communications" means all oral and written communications
427 and records thereof relating to the counseling of a person between
428 such person and a member of the clergy or between a member of such
429 person's family and a member of the clergy.

430 (4) "Consent" means consent given in writing by the person or such
431 person's authorized representative.

432 (5) "Authorized representative" means (A) an individual authorized

433 by a person to assert the confidentiality of communications that are
434 privileged under this section, (B) if a person is deceased, a personal
435 representative or next of kin of such person, or (C) if a person is
436 incompetent to assert or waive the privilege under this section, (i) a
437 guardian or conservator who has been or is appointed to act for the
438 person, or (ii) for the purpose of maintaining the confidentiality of
439 communications until a guardian or conservator is appointed, the
440 person's nearest relative.

441 (b) Except as provided in subsection (c) of this section, in civil and
442 criminal actions, in juvenile, probate, commitment and arbitration
443 proceedings, in proceedings preliminary to such actions and
444 proceedings and in legislative and administrative proceedings, all
445 communications shall be privileged and a member of the clergy shall
446 not disclose such communications unless the person or the person's
447 authorized representative consents to waive the privilege and allow
448 such disclosure. The person or authorized representative may
449 withdraw any consent given pursuant to the provisions of this section
450 at any time in a writing addressed to the individual with whom or the
451 office in which the original consent was filed. The withdrawal of
452 consent shall not affect communications disclosed prior to notice of the
453 withdrawal.

454 (c) Consent of the person shall not be required for the disclosure of
455 such person's communications if the member of the clergy believes in
456 good faith that there is risk of imminent personal injury to the person
457 or other individuals or if child abuse, abuse of an elderly individual or
458 abuse of an individual who is disabled or incompetent is known or in
459 good faith is suspected.

460 (d) Whenever a member of the clergy has reasonable cause to
461 suspect or believe that any child under the age of eighteen years has
462 been abused or neglected, as defined in section 46b-120, based upon
463 any information received by such member of the clergy other than
464 through communications that are privileged pursuant to subsection (b)
465 of this section, such member of the clergy shall report or cause a report

466 to be made in accordance with the provisions of sections 17a-101a to
 467 17a-101d, inclusive, as amended by this act.

468 Sec. 20. (NEW) (*Effective from passage*) In any action to recover
 469 damages for personal injury to a minor, including emotional distress,
 470 caused by sexual abuse, sexual exploitation or sexual assault, no court
 471 shall enter an order or judgment in such action, or approve a
 472 settlement of such action, that prohibits or restricts any person from
 473 disclosing information concerning such abuse, exploitation or assault
 474 to the Commissioner of Children and Families or a law enforcement
 475 agency.

476 Sec. 21. Section 10-151c of the general statutes is repealed and the
 477 following is substituted in lieu thereof (*Effective October 1, 2002*):

478 Any records maintained or kept on file by any local or regional
 479 board of education which are records of teacher performance and
 480 evaluation shall not be deemed to be public records and shall not be
 481 subject to the provisions of section 1-210, as amended, provided that
 482 any teacher may consent in writing to the release of [his] such teacher's
 483 records by a board of education. Such consent shall be required for
 484 each request for a release of such records. Notwithstanding any
 485 provision of the general statutes, records maintained or kept on file by
 486 any local or regional board of education which are records of the
 487 personal misconduct of a teacher shall be deemed to be public records
 488 and shall be subject to disclosure pursuant to the provisions of
 489 subsection (a) of section 1-210. Disclosure of such records of a teacher's
 490 personal misconduct shall not require the consent of the teacher. For
 491 the purposes of this section, [the term] "teacher" [shall include]
 492 includes each certified professional employee below the rank of
 493 superintendent employed by a board of education in a position
 494 requiring a certificate issued by the State Board of Education."

This act shall take effect as follows:	
Section 1	<i>from passage and applicable to any offense committed on or after said date</i>

Sec. 2	<i>from passage and applicable to any cause of action arising from an incident committed prior to, on or after said date</i>
Sec. 3	<i>from passage and applicable to any cause of action arising from an incident committed prior to, on or after said date</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>
Sec. 8	<i>October 1, 2002</i>
Sec. 9	<i>October 1, 2002</i>
Sec. 10	<i>October 1, 2002</i>
Sec. 11	<i>October 1, 2002</i>
Sec. 12	<i>October 1, 2002</i>
Sec. 13	<i>October 1, 2002</i>
Sec. 14	<i>October 1, 2002</i>
Sec. 15	<i>October 1, 2002</i>
Sec. 16	<i>October 1, 2002</i>
Sec. 17	<i>October 1, 2002</i>
Sec. 18	<i>October 1, 2002</i>
Sec. 19	<i>July 1, 2002</i>
Sec. 20	<i>from passage</i>
Sec. 21	<i>October 1, 2002</i>